

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

MARK BILELLO, DDS; PEGGY BILELLO;	)	
and QUEST IRA, INC. FBO MARK J. BILELLO	)	
IRA ACCOUNT 3130711,	)	
Plaintiffs,	)	
v.	)	CASE NO.: 23-cv-02139
	)	
BRANDON SCHWAB; KELLI SCHWAB;	)	Honorable Charles Kocoras
STEVE MASKREY; THERESA MASKREY;	)	
BOUTIQUE SENIOR LIVING ACADEMY LLC;	)	
SHEPHERD CAPITAL LLC; SHEPHERD CAPITAL	)	
LLC HUNTLEY; SHEPHERD CAPITAL LLC	)	
HUNTLEY 2; SHEPHERD CAPITAL BULL VALLEY,	)	
Defendants.	)	
	)	
STEVE MASKREY and THERESA MASKREY,	)	
Cross-Plaintiffs	)	
v.	)	
BRANDON SCHWAB, KELLI SCHWAB and	)	
SHEPHERD CAPITAL LLC	)	
Cross-Defendants.	)	

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**MOTION FOR DEFAULT JUDGMENT**

Cross-Plaintiffs, Steve Maskrey and Theresa Maskrey, (“*Cross-Plaintiffs*”), by and through their undersigned counsel hereby move (the “*Motion*”) this Court for the entry of a Default Judgment against Cross-Defendants, Brandon Schwab, Kelli Schwab and Shepherd Capital, LLC (“*Cross-Defendants*”) In support of the Motion, the Cross-Plaintiffs respectfully state as follows:

1. On March 18, 2024, the Counter-Plaintiffs filed their First Amended Cross-Complaint against the Cross-Defendants in this case.
2. On March 26, 2024, Cross-Defendant Brandon Schwab was served with a copy of the First Amended Cross-Complaint and Summons. A copy of the Proof of Service is attached hereto as Exhibit A.

3. On March 26, 2024, Cross-Defendant Kelli Schwab was served with a copy of the First Amended Cross-Complaint and Summons. A copy of the Proof of Service is attached hereto as Exhibit B.

4. On March 26, 2024, Cross-Defendant Shepherd Capital LLC was served with a copy of the First Amended Cross-Complaint and Summons through its registered agent. A copy of the Proof of Service is attached hereto as Exhibit C.

5. The answers were due to be filed by the Cross-Defendants on or before April 16, 2024.

6. To date, none of the Cross-Defendants have appeared in this case and all Cross-Defendants have failed to file an answer or otherwise plead to the Cross-Complaint.

7. By virtue of their failure to answer or otherwise plead, the Cross-Defendants are in default.

8. Federal Rule 55(a), provides that when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the party's default must be entered.

9. Upon a default, all well-plead allegations in a complaint, and in this case the Cross-Complaint, are deemed true for the purpose of the entry of a default judgment. *Quincy Bioscience, LLC v. Ellishbooks*, 957 F.3d 725, 729 (7th Cir. 2020), citing *Wehrs v. Wells*, 688 F.3d 886, 892 (7<sup>th</sup> Cir. 2012).

10. Pursuant to *Fed.R.Civ.P.* 55(b)(2), the Cross-Plaintiffs are entitled to a Final Judgment against the Cross-Defendants.

11. To the best of the Cross-Plaintiffs' knowledge, the Cross-Defendants are not minors, incompetent or currently in the miliary service.

12. Because the Cross-Defendants have failed to respond or otherwise plead or defend by the time permitted, the Cross-Plaintiffs respectfully request that this Court enter the Cross-Defendant's default in this action.

13. In support of this Motion, the Cross-Plaintiffs have submitted a sworn declaration from Steve Maskrey regarding the allegations in the Cross-Complaint and describing the amounts owed to the Cross-Plaintiffs. The Declaration is attached hereto as Exhibit D.

WHEREFORE, the Cross-Plaintiffs respectfully request that this Honorable Court enter an Order granting a Final Default Judgment against the Cross-Defendants in the amount of \$752,216.38 and granting such other and further relief as this Court deems justified.

Dated: May 16, 2024

Respectfully submitted,

**GOLDSTEIN & MCCLINTOCK LLLP**

By: /s/ Jeffrey C. Dan.

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*Counsel for Cross-Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this May 16, 2024, he caused a true and correct copy of the foregoing to be served via electronic mail, where indicated, and by first class mail, where indicated, on the following parties:

Dr. Laurence J. Pino  
Pino Law Group, PLLC  
99 South New York Avenue  
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Brandon Schwab  
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Kelli Schwab  
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Shepherd Capital LLC  
c/o Registered Agent Brandon Schwab  
1410 Bay Oaks Drive  
McHenry Illinois 60051

/s/ Jeffrey C. Dan